IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2731 of 2004

NATHU RAM

V/S

MUNICIPAL BOARD,SUMERPUR,PALI & ORS

Mr. SURESH SHRIMALI, for the appellant / petitioner

Mr. RAKESH ARORA, for the respondent

Date of Order : 9.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner and perused the impugned order.

Even according to the plaint, the basic grievance is against Municipality with the allegation that the Municipality is hand in gloves with the other defendants, and want to dispossess. That suit had been decreed. Even according to the plaintiff, the defendant No.2 to 14 did not claim any individual independent right on the property. Even in the appeal, no personal right has been claimed in the property by the individual defendants. In such circumstances, if on death of one of the defendants Fauzmal, the learned lower Appellate Court has declined to dismiss the entire appeal as abated, I do not find any error therein. The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

/tarun/